
SUBSTITUTE SENATE BILL 5066

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senator Jacobsen)

READ FIRST TIME 02/08/07.

1 AN ACT Relating to protection orders; and amending RCW 26.50.060
2 and 26.50.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.50.060 and 2000 c 119 s 15 are each amended to read
5 as follows:

6 (1) Upon notice and after hearing, the court may provide relief as
7 follows:

8 (a) Restrain the respondent from committing acts of domestic
9 violence;

10 (b) Exclude the respondent from the dwelling that the parties
11 share, from the residence, workplace, or school of the petitioner, or
12 from the day care or school of a child;

13 (c) Prohibit the respondent from knowingly coming within, or
14 knowingly remaining within, a specified distance from a specified
15 location;

16 (d) On the same basis as is provided in chapter 26.09 RCW, the
17 court shall make residential provision with regard to minor children of
18 the parties. However, parenting plans as specified in chapter 26.09
19 RCW shall not be required under this chapter;

1 (e) Order the respondent to participate in a domestic violence
2 perpetrator treatment program approved under RCW 26.50.150;

3 (f) Order other relief as it deems necessary for the protection of
4 the petitioner and other family or household members sought to be
5 protected, including orders or directives to a peace officer, as
6 allowed under this chapter;

7 (g) Require the respondent to pay the administrative court costs
8 and service fees, as established by the county or municipality
9 incurring the expense and to reimburse the petitioner for costs
10 incurred in bringing the action, including reasonable attorneys' fees;

11 (h) Restrain the respondent from having any contact with the victim
12 of domestic violence or the victim's children or members of the
13 victim's household;

14 (i) Require the respondent to submit to electronic monitoring. The
15 order shall specify who shall provide the electronic monitoring
16 services and the terms under which the monitoring must be performed.
17 The order also may include a requirement that the respondent pay the
18 costs of the monitoring. The court shall consider the ability of the
19 respondent to pay for electronic monitoring;

20 (j) Consider the provisions of RCW 9.41.800;

21 (k) Restrain any party from intentionally injuring or killing,
22 without justification, any animal known to be owned, possessed, leased,
23 kept, or held by the victim or a minor child residing in the household;

24 (l) Order possession and use of essential personal effects. The
25 court shall list the essential personal effects with sufficient
26 specificity to make it clear which property is included; and

27 ((+l)) (m) Order use of a vehicle.

28 (2) If a protection order restrains the respondent from contacting
29 the respondent's minor children the restraint shall be for a fixed
30 period not to exceed one year. This limitation is not applicable to
31 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.
32 With regard to other relief, if the petitioner has petitioned for
33 relief on his or her own behalf or on behalf of the petitioner's family
34 or household members or minor children, and the court finds that the
35 respondent is likely to resume acts of domestic violence against the
36 petitioner or the petitioner's family or household members or minor
37 children when the order expires, the court may either grant relief for
38 a fixed period or enter a permanent order of protection.

1 If the petitioner has petitioned for relief on behalf of the
2 respondent's minor children, the court shall advise the petitioner that
3 if the petitioner wants to continue protection for a period beyond one
4 year the petitioner may either petition for renewal pursuant to the
5 provisions of this chapter or may seek relief pursuant to the
6 provisions of chapter 26.09 or 26.26 RCW.

7 (3) If the court grants an order for a fixed time period, the
8 petitioner may apply for renewal of the order by filing a petition for
9 renewal at any time within the three months before the order expires.
10 The petition for renewal shall state the reasons why the petitioner
11 seeks to renew the protection order. Upon receipt of the petition for
12 renewal the court shall order a hearing which shall be not later than
13 fourteen days from the date of the order. Except as provided in RCW
14 26.50.085, personal service shall be made on the respondent not less
15 than five days before the hearing. If timely service cannot be made
16 the court shall set a new hearing date and shall either require
17 additional attempts at obtaining personal service or permit service by
18 publication as provided in RCW 26.50.085 or by mail as provided in RCW
19 26.50.123. If the court permits service by publication or mail, the
20 court shall set the new hearing date not later than twenty-four days
21 from the date of the order. If the order expires because timely
22 service cannot be made the court shall grant an ex parte order of
23 protection as provided in RCW 26.50.070. The court shall grant the
24 petition for renewal unless the respondent proves by a preponderance of
25 the evidence that the respondent will not resume acts of domestic
26 violence against the petitioner or the petitioner's children or family
27 or household members when the order expires. The court may renew the
28 protection order for another fixed time period or may enter a permanent
29 order as provided in this section. The court may award court costs,
30 service fees, and reasonable attorneys' fees as provided in subsection
31 (1)((+f+)) (g) of this section.

32 (4) In providing relief under this chapter, the court may realign
33 the designation of the parties as "petitioner" and "respondent" where
34 the court finds that the original petitioner is the abuser and the
35 original respondent is the victim of domestic violence and may issue an
36 ex parte temporary order for protection in accordance with RCW
37 26.50.070 on behalf of the victim until the victim is able to prepare

1 a petition for an order for protection in accordance with RCW
2 26.50.030.

3 (5) Except as provided in subsection (4) of this section, no order
4 for protection shall grant relief to any party except upon notice to
5 the respondent and hearing pursuant to a petition or counter-petition
6 filed and served by the party seeking relief in accordance with RCW
7 26.50.050.

8 (6) The court order shall specify the date the order expires if
9 any. The court order shall also state whether the court issued the
10 protection order following personal service, service by publication, or
11 service by mail and whether the court has approved service by
12 publication or mail of an order issued under this section.

13 (7) If the court declines to issue an order for protection or
14 declines to renew an order for protection, the court shall state in
15 writing on the order the particular reasons for the court's denial.

16 **Sec. 2.** RCW 26.50.070 and 2000 c 119 s 16 are each amended to read
17 as follows:

18 (1) Where an application under this section alleges that
19 irreparable injury could result from domestic violence if an order is
20 not issued immediately without prior notice to the respondent, the
21 court may grant an ex parte temporary order for protection, pending a
22 full hearing, and grant relief as the court deems proper, including an
23 order:

24 (a) Restraining any party from committing acts of domestic
25 violence;

26 (b) Restraining any party from going onto the grounds of or
27 entering the dwelling that the parties share, from the residence,
28 workplace, or school of the other, or from the day care or school of a
29 child until further order of the court;

30 (c) Prohibiting any party from knowingly coming within, or
31 knowingly remaining within, a specified distance from a specified
32 location;

33 (d) Restraining any party from interfering with the other's custody
34 of the minor children or from removing the children from the
35 jurisdiction of the court;

36 (e) Restraining any party from having any contact with the victim

1 of domestic violence or the victim's children or members of the
2 victim's household; (~~and~~)

- 3 (f) Considering the provisions of RCW 9.41.800; and
- 4 (g) Restraining any party from intentionally injuring or killing,
- 5 without justification, any animal known to be owned, possessed, leased,
- 6 kept, or held by the victim or a minor child residing in the household.

7 (2) Irreparable injury under this section includes but is not
8 limited to situations in which the respondent has recently threatened
9 petitioner with bodily injury or has engaged in acts of domestic
10 violence against the petitioner.

11 (3) The court shall hold an ex parte hearing in person or by
12 telephone on the day the petition is filed or on the following judicial
13 day.

14 (4) An ex parte temporary order for protection shall be effective
15 for a fixed period not to exceed fourteen days or twenty-four days if
16 the court has permitted service by publication under RCW 26.50.085 or
17 by mail under RCW 26.50.123. The ex parte order may be reissued. A
18 full hearing, as provided in this chapter, shall be set for not later
19 than fourteen days from the issuance of the temporary order or not
20 later than twenty-four days if service by publication or by mail is
21 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
22 26.50.123, the respondent shall be personally served with a copy of the
23 ex parte order along with a copy of the petition and notice of the date
24 set for the hearing.

25 (5) Any order issued under this section shall contain the date and
26 time of issuance and the expiration date and shall be entered into a
27 statewide judicial information system by the clerk of the court within
28 one judicial day after issuance.

29 (6) If the court declines to issue an ex parte temporary order for
30 protection the court shall state the particular reasons for the court's
31 denial. The court's denial of a motion for an ex parte order of
32 protection shall be filed with the court.

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